

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Jose T. Meza

v.

Civil No. 11-cv-483-JD

Mark Schaaf

O R D E R

Jose T. Meza, who is a prisoner and proceeding pro se and in forma pauperis, filed a complaint, alleging that Mark Schaaf, a detective in the Nashua (New Hampshire) Police Department, violated his Fourth and Fourteenth Amendment rights in the course of Meza's arrest and the search of Meza's car. On initial review, the magistrate judge recommended the case be dismissed as barred by the statute of limitations. The report and recommendation was approved. As a result, the defendant has not been served.

Meza filed motions to amend and to appoint counsel. The magistrate judge recommended that the motion to amend be denied. Meza was granted an extension of time to respond to the magistrate's report and recommendation.

On October 16, 2012, before the deadline for his response to the magistrate judge's report and recommendation, Meza filed a motion for voluntary dismissal of his case. Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff's voluntary dismissal of his case before the opposing party files an answer

or other response to the complaint operates to dismiss the case without prejudice.

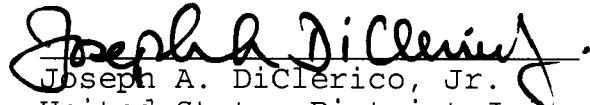
Conclusion

For the foregoing reasons, the plaintiff's motion for voluntary dismissal (document no. 18) is granted. Motions to appoint counsel and to amend (documents no. 12 and 13) and the report and recommendation on the motion to amend (document no. 16) are terminated.

The case is dismissed without prejudice.

The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

November 7, 2012

cc: Jose T. Meza, pro se